

Senate Chamber, Atlanta, Georgia  
Thursday, February 22, 2007  
Twenty-fourth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 155. By Representative Willard of the 49th:

A BILL to be entitled an Act to amend Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to permit the department to obtain criminal history background data on owners of personal care homes, private home care providers, and child welfare agencies; to provide for definitions; to provide for the establishment of a uniform method of obtaining criminal history background checks; to prohibit owners with certain criminal records from operating licensed facilities; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 192. By Representatives Smith of the 129th, Everson of the 106th, Rogers of the 26th and Loudermilk of the 14th:

A BILL to be entitled an Act to amend Code Section 32-2-61 of the O.C.G.A., relating to limitations on the Department of Transportation's power to contract, so as to provide for an increase in the amount for which the department may execute a negotiated contract; to amend Code Section 32-2-70 of the O.C.G.A., relating to bonds to be posted by successful bidders on department contracts, so as to increase the amount of the

contract that requires such bonds; to amend Code Section 32-4-63 of the O.C.G.A., relating to limitations on a county's power to contract, so as to provide for an increase in the amount for which a county may execute a negotiated contract; to amend Code Section 32-4-67 of the O.C.G.A., relating to the proposal guaranty by the bidder on a county contract, so as to exempt contracts for engineering or other professional services from the guaranty; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 233. By Representatives Ralston of the 7th, Mumford of the 95th, Bearden of the 68th, Oliver of the 83rd and Forster of the 3rd:

A BILL to be entitled an Act to amend Chapter 5 of Title 30 and Code Section 31-8-81 of the Official Code of Georgia Annotated, relating to protection of disabled adults and elder persons and definitions for the "Long-term Care Facility Resident Abuse Reporting Act," respectively, so as to revise the definition of the term "exploitation"; to change provisions relating to criminal penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 465. By Representatives Lindsey of the 54th, Holmes of the 61st, Kaiser of the 59th, Bruce of the 64th, Ashe of the 56th and others:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts in the City of Atlanta, Georgia, approved April 4, 1991 (Ga. L. 1991, p. 3653), as amended by an Act approved April 16, 1999 (Ga. L. 1999, p. 4439), and amended by an Act approved April 28, 2000 (Ga. L. 2000, p. 4564), so as to change a provision relating to the appointment of one member of the district board; to add a provision relating to the election of an additional member of the district board upon annexation; to repeal conflicting laws; to provide an effective date; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolutions of the House:

HR 146. By Representatives Lane of the 158th, Burns of the 157th, Parrish of the 156th, Carter of the 159th, Stephens of the 164th and others:

A RESOLUTION designating portions of State Route 26 (U.S. 80) in Bulloch County in honor of the memory of Dr. Charles Emory Bohler; and for other purposes.

HR 147. By Representatives Lane of the 158th, Burns of the 157th, Parrish of the 156th, Smith of the 113th, Carter of the 159th and others:

A RESOLUTION honoring the memory of Coach Erskine "Erk" Russell, expressing regret at his passing, and designating portions of State Route 26 (U.S. 80) in Bulloch County as the Erk Russell Highway; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 201. By Senators Harp of the 29th and Hill of the 32nd:

A BILL to be entitled an Act to amend Title 19 of the O.C.G.A., relating to domestic relations, so as to provide for family law arbitration; to provide for legislative findings; to provide for a short title; to provide for definitions; to provide for applicability; to provide for notice; to provide for effect of agreement to arbitrate and nonwaivable provisions; to provide for judicial relief; to provide for an agreement to arbitrate; to provide for a motion to compel or stay arbitration; to provide for remedies; to provide procedure for arbitration, admission of evidence, evidence, witnesses, subpoenas, and discovery; to provide for appointment of an arbitrator and disclosures by arbitrators; to provide for immunity; to provide for enforcement of an arbitration award; to provide for modification and vacation of arbitration awards; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 202. By Senator Rogers of the 21st:

A BILL to be entitled an Act to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to revise and redesignate Article 7, relating to state-wide alert systems for missing disabled adults and for unapprehended murder or rape suspects, as new articles in Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation; to provide for editorial revisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

- SB 203. By Senators Harp of the 29th, Staton of the 18th, Mullis of the 53rd, Shafer of the 48th, Hamrick of the 30th and others:

A BILL to be entitled an Act to amend Article 14 of Chapter 1 of Title 10, Code Section 16-8-12, and Chapter 1 of Title 46 of the O.C.G.A., relating to secondary metals recyclers, penalties for certain theft crimes, and general provisions for public utilities and public transportation, respectively, so as to provide for increased penalties for certain crimes involving public utility property; to change certain provisions relating to inspection by law enforcement officers; to change provisions relating to actions to recover property; to change provisions relating to penalties for violating Article 14 of Chapter 1 of Title 10; to provide for forfeiture of certain property and procedure therefor; to provide for legislative findings and preemption; to provide for the Governor to appoint certain special officers for purposes of investigating certain thefts of public utility property; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

- SB 204. By Senators Thomas of the 54th, Balfour of the 9th, Unterman of the 45th, Schaefer of the 50th, Hawkins of the 49th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 21 of Title 31 of the Official Code of Georgia Annotated, relating to disposition of unclaimed dead bodies, so as to change certain provisions relating to the board for distribution and delivery of dead bodies; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

- SB 205. By Senators Thomas of the 54th, Balfour of the 9th, Henson of the 41st, Wiles of the 37th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to enact the "Prescription Medication Integrity Act"; to provide for a short title; to provide for definitions; to provide for pedigrees for prescription drugs; to provide for contingent effectiveness; to provide for enforcement; to provide for prohibited acts; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 206. By Senators Thomas of the 2nd, Butler of the 55th, Tate of the 38th, Seay of the 34th, Brown of the 26th and others:

A BILL to be entitled an Act to amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs under the "Quality Basic Education Act," so as to provide that American Sign Language may be accepted for elective credit or foreign language credit for any student; to amend Chapter 1 of Title 30 of the Official Code of Georgia Annotated, relating to general provisions relative to handicapped persons, so as to recognize American Sign Language as the official state language of the deaf community in Georgia; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SB 207. By Senator Thompson of the 5th:

A BILL to be entitled an Act to amend Part 1 of Article 8 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to sale of petroleum products, so as to require the establishment by the Department of Agriculture of an Internet website for gasoline prices; to require that gasoline dealers post prices for gasoline on such website within certain periods of time; to provide for penalties for failing to post such prices and posting incorrect prices; to provide for certain required features of such website; to provide for the establishment of a toll-free number to obtain such information; to provide for enforcement by the Department of Agriculture; to provide for the promulgation of rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SB 208. By Senator Thompson of the 5th:

A BILL to be entitled an Act to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions concerning the General Assembly, so as to require the creation of an Internet website on which the public can determine how members of the General Assembly voted on bills and resolutions; to provide for the content and capabilities of such website; to provide for other related matters; to repeal conflicting laws; and for other purposes.

Referred to the Rules Committee.

SB 209. By Senator Whitehead, Sr. of the 24th:

A BILL to be entitled an Act to amend an Act providing for a supplement to the compensation, expenses, and allowances of the judges of the Superior Court of the Augusta Judicial Circuit, approved April 6, 1981 (Ga. L. 1981, p. 595), as amended, particularly by an Act approved April 19, 2000 (Ga. L. 2000, p. 4454), so as to change the provisions relating to such supplement; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 210. By Senators Hooks of the 14th, Johnson of the 1st, Shafer of the 48th and Harbison of the 15th:

A BILL to be entitled an Act to amend Article 3 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Division of Archives and History, so as to authorize the Secretary of State to designate and establish facilities occupied by a government agency as a branch depository under certain circumstances; to provide that the Division of Archives and History shall own and operate any equipment necessary to manage and retain control of electronic archival records but may contract with third parties for services related to the management of such records; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State Institutions and Property Committee.

SB 211. By Senators Fort of the 39th, Brown of the 26th, Reed of the 35th, Orrock of the 36th, Thomas of the 2nd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to procedure for sentencing and imposition of punishment, so as to repeal certain provisions regarding sentencing of defendants guilty of crimes involving bias or prejudice, circumstances, and parole; to provide for sentencing of defendants guilty of crimes which target a victim due to the victim's race, religion, gender, national origin, or sexual orientation, circumstances, and parole; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 212. By Senators Balfour of the 9th, Williams of the 19th and Rogers of the 21st:

A BILL to be entitled an Act to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to public records which are not required to be made available for public inspection and copying, so as to provide that disclosure to the news media shall not be required for social security numbers or the day and month of birth of public employees; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes

Referred to the Ethics Committee.

SB 213. By Senators Shafer of the 48th, Hudgens of the 47th and Moody of the 56th:

A BILL to be entitled an Act to amend Chapter 3 of Title 33 of the Official Code of Georgia Annotated, relating to authorization and general requirements for transaction of insurance, so as to provide that the Commissioner of Insurance is authorized to waive retaliatory obligations, prohibitions, or restrictions under certain circumstances; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 214. By Senators Thompson of the 5th, Henson of the 41st, Brown of the 26th, Adelman of the 42nd, Seay of the 34th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to state government in general, so as to provide for qualifications with respect to certain call centers; to provide for definitions; to provide for construction; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

SB 215. By Senator Carter of the 13th:

A BILL to be entitled an Act to amend Code Section 43-26-3 of the Official Code of Georgia Annotated, relating to definitions relative to the "Georgia Registered Professional Nurse Practice Act," so as to revise the definition of

"advanced practice registered nurse" to provide for statutory construction of the definition as it relates to certified registered nurse anesthetists; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 216. By Senators Chance of the 16th, Smith of the 52nd, Carter of the 13th, Rogers of the 21st, Whitehead, Sr. of the 24th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions of grand juries, so as to provide that certain individuals are not qualified to serve as grand jurors; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 217. By Senators Thompson of the 5th, Shafer of the 48th, Weber of the 40th and Stoner of the 6th:

A BILL to be entitled an Act to amend Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to property owners' associations, so as to provide that certain property owners' associations and similar organizations shall have standing as a party to bring a legal action to enforce certain covenants; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Special Judiciary Committee.

SB 218. By Senator Tarver of the 22nd:

A BILL to be entitled an Act to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to provide for an exemption on the homestead of certain disabled persons for the total value of the homestead; to provide that motor vehicles owned by certain disabled persons shall be exempt from ad valorem taxation; to provide for referenda, applicability, and effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.



SB 219. By Senators Hamrick of the 30th, Mullis of the 53rd and Carter of the 13th:

A BILL to be entitled an Act to amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to provide for seizure and forfeiture of motor vehicles operated by a person to facilitate certain sexual offenses; to provide for procedure; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

SB 220. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to revise certain provisions relative to warehouses regulated by the Department of Agriculture; to amend Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to warehousemen, so as to change certain provisions relating to agricultural warehouse receipt requirements, obtaining printed forms, and use of electronic receipts; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SB 221. By Senators Bulloch of the 11th, Tolleson of the 20th, Chance of the 16th, Meyer von Bremen of the 12th, Williams of the 19th and others:

A BILL to be entitled an Act to provide for regulation and permitting of land disposal sites that receive septic tank waste and rules and regulations relating thereto; to amend Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to solid waste management, so as to change certain provisions relating to permits from the Department of Natural Resources for land disposal sites that receive septic tank waste and rules and regulations relating thereto; to amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to change certain provisions relating to permits from the Department of Human Resources for land disposal sites that receive septic tank waste and rules and regulations relating thereto; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 222. By Senators Grant of the 25th, Unterman of the 45th, Hooks of the 14th and Thomas of the 54th:

A BILL to be entitled an Act to amend Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to the "Georgia Registered Professional Nurse Practice Act," so as to revise the definition of "advanced practice registered nurse"; to revise language relating to the use of the title by a licensed registered nurse or advanced practice registered nurse; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SR 319. By Senators Douglas of the 17th, Harp of the 29th, Hill of the 4th and Wiles of the 37th:

A RESOLUTION urging the Board of Regents and chancellor of the University System of Georgia to maintain the current military program at the senior military college of Georgia, North Georgia College and State University; and for other purposes.

Referred to the Veterans and Military Affairs Committee.

SR 326. By Senator Bulloch of the 11th:

A RESOLUTION urging the United States Congress to reform U.S. sugar policy; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SR 327. By Senators Johnson of the 1st, Chapman of the 3rd, Hill of the 4th and Tolleson of the 20th:

A RESOLUTION creating the Joint Atlantic Coastal Beach Preservation and Maintenance Study Committee; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

The following House legislation was read the first time and referred to committee:

HB 155. By Representative Willard of the 49th:

A BILL to be entitled an Act to amend Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to permit the department to obtain criminal history background data on owners of personal care homes, private home care providers, and child welfare agencies; to provide for definitions; to provide for the establishment of a uniform method of obtaining criminal history background checks; to prohibit owners with certain criminal records from operating licensed facilities; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

HB 192. By Representatives Smith of the 129th, Everson of the 106th, Rogers of the 26th and Loudermilk of the 14th:

A BILL to be entitled an Act to amend Code Section 32-2-61 of the O.C.G.A., relating to limitations on the Department of Transportation's power to contract, so as to provide for an increase in the amount for which the department may execute a negotiated contract; to amend Code Section 32-2-70 of the O.C.G.A., relating to bonds to be posted by successful bidders on department contracts, so as to increase the amount of the contract that requires such bonds; to amend Code Section 32-4-63 of the O.C.G.A., relating to limitations on a county's power to contract, so as to provide for an increase in the amount for which a county may execute a negotiated contract; to amend Code Section 32-4-67 of the O.C.G.A., relating to the proposal guaranty by the bidder on a county contract, so as to exempt contracts for engineering or other professional services from the guaranty; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Transportation Committee.

HB 233. By Representatives Ralston of the 7th, Mumford of the 95th, Bearden of the 68th, Oliver of the 83rd and Forster of the 3rd:

A BILL to be entitled an Act to amend Chapter 5 of Title 30 and Code Section 31-8-81 of the Official Code of Georgia Annotated, relating to protection of disabled adults and elder persons and definitions for the "Long-term Care

Facility Resident Abuse Reporting Act," respectively, so as to revise the definition of the term "exploitation"; to change provisions relating to criminal penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Special Judiciary Committee.

HB 465. By Representatives Lindsey of the 54th, Holmes of the 61st, Kaiser of the 59th, Bruce of the 64th, Ashe of the 56th and others:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts in the City of Atlanta, Georgia, approved April 4, 1991 (Ga. L. 1991, p. 3653), as amended by an Act approved April 16, 1999 (Ga. L. 1999, p. 4439), and amended by an Act approved April 28, 2000 (Ga. L. 2000, p. 4564), so as to change a provision relating to the appointment of one member of the district board; to add a provision relating to the election of an additional member of the district board upon annexation; to repeal conflicting laws; to provide an effective date; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HR 146. By Representatives Lane of the 158th, Burns of the 157th, Parrish of the 156th, Carter of the 159th, Stephens of the 164th and others:

A RESOLUTION designating portions of State Route 26 (U.S. 80) in Bulloch County in honor of the memory of Dr. Charles Emory Bohler; and for other purposes.

Referred to the Transportation Committee.

HR 147. By Representatives Lane of the 158th, Burns of the 157th, Parrish of the 156th, Smith of the 113th, Carter of the 159th and others:

A RESOLUTION honoring the memory of Coach Erskine "Erk" Russell, expressing regret at his passing, and designating portions of State Route 26 (U.S. 80) in Bulloch County as the Erk Russell Highway; and for other purposes.

Referred to the Transportation Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Appropriations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 12      Do Pass by substitute  
SB 29      Do Pass by substitute

Respectfully submitted,  
Senator Hill of the 4th District, Chairman

Mr. President:

The Insurance and Labor Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 109      Do Pass  
SB 153      Do Pass as amended

Respectfully submitted,  
Senator Hudgens of the 47th District, Chairman

Mr. President:

The Natural Resources and the Environment Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 116      Do Pass  
SB 157      Do Pass

Respectfully submitted,  
Senator Tolleson of the 20th District, Chairman

Mr. President:

The Regulated Industries and Utilities Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 55      Do Pass by substitute  
SB 173      Do Pass by substitute

Respectfully submitted,  
Senator Shafer of the 48th District, Chairman

Mr. President:

The Rules Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 66           Pursuant to Senate Rule 2-1.10(b), referred by the Senate Rules committee to the Senate Health and Human Services Committee from the General Calendar.

Respectfully submitted,  
Senator Balfour of the 9th District, Chairman

The following legislation was read the second time:

SB 30	SB 104	SB 124	SB 128	SR 5	SR 249
SB 103					

Senator Seabaugh of the 28th asked unanimous consent that Senator Smith of the 52nd be excused. The consent was granted, and Senator Smith was excused.

Senator Goggans of the 7th asked unanimous consent that Senator Rogers of the 21st be excused. The consent was granted, and Senator Rogers was excused.

Senator Orrock of the 36th asked unanimous consent that Senator Reed of the 35th be excused. The consent was granted, and Senator Reed was excused.

Senator Cowsert of the 46th asked unanimous consent that Senator Carter of the 13th be excused. The consent was granted, and Senator Carter was excused.

Senator Adelman of the 42nd asked unanimous consent that Senator Golden of the 8th be excused. The consent was granted, and Senator Golden was excused.

The roll was called and the following Senators answered to their names:

Adelman	Heath	Schaefer
Balfour	Henson	Seabaugh
Brown	Hill,Jack	Seay
Bulloch	Hill,Judson	Staton
Butler	Hooks	Stoner
Chance	Hudgens	Tarver
Chapman	Johnson	Tate
Cowsert	Jones	Thomas,D
Davenport	Me V Bremen	Thomas,R

Douglas	Moody	Thompson,C
Fort	Mullis	Thompson,S
Goggans	Murphy	Tolleson
Grant	Orrock	Unterman
Hamrick	Pearson	Weber
Harbison	Powell	Whitehead
Harp	Ramsey	Wiles
Hawkins	Rogers	

Not answering were Senators:

Carter (Excused)	Golden (Excused)	Reed (Excused)
Shafer, D	Smith (Excused)	Williams

The members pledged allegiance to the flag.

Senator Thompson of the 33rd introduced the chaplain of the day, Dr. Willis Moore of Tucker, Georgia, who offered scripture reading and prayer.

The following resolution was read and adopted:

SR 310. By Senators Harp of the 29th, Tolleson of the 20th, Adelman of the 42nd, Henson of the 41st, Golden of the 8th and others:

A RESOLUTION recognizing and commending Yana Vladykina; and for other purposes.

Senator Harp of the 29th and Secretary of State Karen Handel recognized Yana Vladykina, commended by SR 310. Yana Vladykina addressed the Senate briefly.

The President introduced United States Senator Johnny Isakson. Senator Isakson addressed the Senate briefly.

Senator Moody of the 56th recognized members of the Roswell High School Football Team, commended by SR 85, adopted previously. Principal Dr. Ed Spurka and Coach Tim McFarlin addressed the Senate briefly.

Senator Smith of the 52nd eulogized David Henry Shore, commended by SR 156, adopted previously.

Senator Ramsey of the 43rd introduced United States Congressman Hank Johnson of the 4th Congressional District. Congressman Johnson addressed the Senate briefly.

The following resolutions were read and adopted:

SR 311. By Senator Douglas of the 17th:

A RESOLUTION commending Salem United Methodist Church; and for other purposes.

SR 312. By Senator Douglas of the 17th:

A RESOLUTION commending the work of "Cowboy Bill" Holden; and for other purposes.

SR 313. By Senator Thomas of the 2nd:

A RESOLUTION recognizing Happy Home Missionary Baptist Church on the occasion of its one-hundredth anniversary; and for other purposes.

SR 314. By Senators Whitehead, Sr. of the 24th, Chapman of the 3rd, Schaefer of the 50th and Hill of the 4th:

A RESOLUTION commending Coach Frank Inman; and for other purposes.

SR 315. By Senator Tate of the 38th:

A RESOLUTION recognizing Alpha Kappa Alpha Day at the capitol on March 6, 2007; and for other purposes.

SR 316. By Senator Tate of the 38th:

A RESOLUTION recognizing Ella Springs Jones, Alpha Kappa Alpha Centennial South Atlantic Regional Director; and for other purposes.

SR 317. By Senator Tate of the 38th:

A RESOLUTION expressing regret at the passing of Dr. Otis Smith; and for other purposes.

SR 318. By Senator Hooks of the 14th:

A RESOLUTION commending the Peach County High School Trojans football team for winning the Class AAA state football championship; and for other purposes.



SR 320. By Senator Harbison of the 15th:

A RESOLUTION commending Mr. Elijah Johnson; and for other purposes.

SR 321. By Senator Harbison of the 15th:

A RESOLUTION commending Ms. Patricia Alexander; and for other purposes.

SR 322. By Senator Harbison of the 15th:

A RESOLUTION recognizing Muscogee County School District Spelling Bee Champion Dylan Williams; and for other purposes.

SR 323. By Senator Harbison of the 15th:

A RESOLUTION commending Lt. Colonel Sol Greear; and for other purposes.

SR 324. By Senator Harbison of the 15th:

A RESOLUTION commending Philandria Williams; and for other purposes.

SR 325. By Senator Tarver of the 22nd:

A RESOLUTION commending City of Warrensville Heights, Ohio, mayor, Marcia L. Fudge; and for other purposes.

SR 328. By Senator Hill of the 32nd:

A RESOLUTION recognizing and commending Ricky Carmichael on the occasion of his retirement from the sport of Supercross racing; and for other purposes.

SR 329. By Senators Mullis of the 53rd, Thomas of the 54th, Staton of the 18th, Hill of the 4th, Goggans of the 7th and others:

A RESOLUTION commending Georgia's emergency medical services professionals and recognizing Emergency Medical Services Week; and for other purposes.

Senator Hill of the 32nd introduced the doctor of the day, Dr. Tom Cooper.

Senator Thomas of the 54th recognized EMS professionals of Georgia, commended by SR 252, adopted previously.

SENATE RULES CALENDAR  
THURSDAY, FEBRUARY 22, 2007  
TWENTY-FOURTH LEGISLATIVE DAY

- SB 27        Vessels; abandoned; provide for revocation of certificates of number which have not been redeemed (Substitute)(NR&E-1st)
- SB 114       Real Estate Brokers; criminal convictions; terms/conditions of sentence; provide that certain time periods shall pass; application for licensure (Substitute)(RI&Util-48th)
- SB 120       State Properties; requirement that acquisitions of real property must be conducted through commission; remove certain exceptions (SI&P-24th)
- SR 243       U.S. Army Corps of Engineers/Congress; urged to begin a study of the cost/effects; storage capacities (NR&E-29th)
- HB 245       Georgia State Prison warden; passenger motor vehicle; repeal certain provisions (SI&P-24th) Barnard-166th

Respectfully submitted,

/s/ Balfour of the 9th, Chairman  
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 27.    By Senators Johnson of the 1st and Chapman of the 3rd:

A BILL to be entitled an Act to amend Code Section 52-7-71 of the Official Code of Georgia Annotated, relating to removal and storage of vessels and procedures therefor, so as to provide for revocation of certificates of number for abandoned vessels which have not been redeemed; to prohibit issuing new certificates of number or motor vehicle registrations for abandoned vessels that have not been redeemed; to repeal conflicting laws; and for other purposes.

The Senate Natural Resources and the Environment Committee offered the following substitute to SB 27:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 3 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to abandoned vessels, so as to change certain provisions relating to removal and storage of vessels and procedures therefor; to change certain provisions relating to authority of peace officers to cause removal of unattended vessels and duties relative thereto; to provide for certain administrative actions against owners of vessels that have been removed and not redeemed; to provide for certain administrative actions against owners of vessels that have been left unattended in public waters or on public property; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 3 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to abandoned vessels, is amended by revising Code Section 52-7-71, relating to removal and storage of vessels and procedures therefor, as follows:

"52-7-71.

(a) Any person who removes a vessel from public property or public water at the request of a law enforcement officer or stores such vessel shall, if the owner of the vessel is unknown, seek the identity of and address of the last known registered owner of such vessel from the law enforcement officer requesting removal of such vessel or such officer's agency within 72 hours of removal.

(b) Any person who removes a vessel from private property or private waters at the request of the property owner or stores such vessel shall, if the owner of the vessel is unknown, notify in writing a local law enforcement agency of the location of the vessel, the vessel ~~registration~~ certificate of number, and the ~~license~~ hull identification number, model, year, and make of the vessel, if known or if readily ascertainable, within 72 hours of the removal of such vessel and shall seek from the local law enforcement agency the identity and address of the last known registered owner of such vessel and any information indicating that such vessel is a stolen vessel.

(c) If any vessel removed under conditions set forth in subsection (a) or (b) of this Code section is determined to be a stolen vessel, the local law enforcement officer or agency shall notify the Georgia Crime Information Center and the owner, if known, of the location of such vessel within 72 hours after receiving notice that such vessel is a stolen vessel.

(d) If any vessel removed under conditions set forth in subsection (a) or (b) of this Code section is determined not to be a stolen vessel or is not a vessel being repaired by a repair facility or is not being stored by an insurance company providing insurance to cover damages to the vessel, the person removing or storing such vessel shall, within seven calendar days of the day such vessel was removed, notify the owner, if known, by certified or registered mail or statutory overnight delivery of the location of such vessel,

the fees connected with removal and storage of such vessel, and the fact that such vessel will be deemed abandoned under this article unless the owner redeems such vessel within 30 days of the ~~day~~ date such vessel was removed.

(e) If the person identified as the owner fails to redeem such vessel as described in subsection (d) of this Code section, or if a vessel being repaired by a repair facility or being stored by an insurance company providing insurance to cover damages to the vessel becomes abandoned, the person removing or storing such vessel shall, within seven calendar days of the day such vessel became an abandoned vessel, give notice in writing, by sworn statement, to the Department of Natural Resources and the Georgia Bureau of Investigation, stating the vessel ~~registration~~ certificate of number, the ~~license~~ hull identification number, the fact that such vessel is an abandoned vessel, the model, year, and make of the vessel, if known or if readily ascertainable, the date the vessel became an abandoned vessel, the date the vessel was removed, and the present location of such vessel and requesting the name and address of all owners, lessors, lessees, security interest holders, and lienholders of such vessel. If a person removing or storing the vessel has knowledge of facts which reasonably indicate that the vessel is registered or titled in a certain other state, such person shall check the vessel records of that other state in the attempt to ascertain the identity of the owner of the vessel.

(e.1)(1)(A) Upon notice to the Department of Natural Resources as described in subsection (e) of this Code section, then the commissioner may revoke, suspend, deny, or refuse to renew any vessel certificate of number or commercial fishing boat license required by this title or Title 27 which is held by or has been applied for by the person, until all fees connected with removal and storage of the vessel have been paid and any lien acquired under Code Section 52-7-73 for such fees has been satisfied. The person shall be notified of the proposed order for revocation, suspension, denial, or nonrenewal personally or by a letter sent by certified mail or statutory overnight delivery to the name and address indicated on the application for the certificate of number or license, or both. The proposed order for revocation, suspension, denial, or nonrenewal shall become final 30 days after issuance if not appealed as provided in this paragraph.

(B) Any person whose vessel certificate of number or commercial fishing boat license is proposed for revocation, suspension, denial, or nonrenewal under this paragraph shall have the right to enter an appeal in the superior court of the county of his or her residence or in the Superior Court of Fulton County. Such appeal shall name the commissioner as defendant and must be filed within 30 days from the date the notice of the proposed order was sent. The person filing the appeal shall neither be required to post any bond nor to pay the costs in advance. If the person so desires, the appeal may be heard by the judge at term or in chambers or by a jury at the first term. The hearing on the appeal shall be de novo, but no appeal shall act as a supersedeas of any orders or acts of the department.

(2)(A) Upon notice to the Department of Natural Resources as described in subsection (e) of this Code section and delivery of a copy of such notice to the state revenue commissioner, then the state revenue commissioner may revoke, suspend,

deny, or refuse to renew any motor vehicle registration required by Title 40 which is held by or has been applied for by the person, until all fees connected with removal and storage of the vessel have been paid and any lien acquired under Code Section 52-7-73 for such fees has been satisfied. The person shall be notified of the proposed order for revocation, suspension, denial, or nonrenewal personally or by a letter sent by certified mail or statutory overnight delivery to the name and address indicated on the application for the registration. The proposed order for revocation, suspension, denial, or nonrenewal shall become final 30 days after issuance if not appealed as provided in this paragraph.

(B) Any person whose motor vehicle registration is proposed for revocation, suspension, denial, or nonrenewal under this paragraph shall have the right to enter an appeal in the superior court of the county of his or her residence or in the Superior Court of Fulton County. Such appeal shall name the state revenue commissioner as defendant and must be filed within 30 days from the date the notice of the proposed order was sent. The person filing the appeal shall neither be required to post any bond nor to pay the costs in advance. If the person so desires, the appeal may be heard by the judge at term or in chambers or by a jury at the first term. The hearing on the appeal shall be de novo, but no appeal shall act as a supersedeas of any orders or acts of the department.

(f) Upon ascertaining the owner of such vessel, the person removing or storing such vessel shall, within five calendar days, by certified or registered mail or statutory overnight delivery, notify the owner, lessors, lessees, security interest holders, and lienholders of the vessel of the location of such vessel and of the fact that such vessel is deemed abandoned and shall be disposed of if not redeemed.

(g) If the identity of the owner of such vessel cannot be ascertained, the person removing or storing such vessel shall place an advertisement in a newspaper of general circulation in the county where such vessel was obtained or, if there is no newspaper in such county, shall post such advertisement at the county courthouse in such place where other public notices are posted. Such advertisement shall run in the newspaper once a week for two consecutive weeks or shall remain posted at the courthouse for two consecutive weeks. The advertisement shall contain a complete description of the vessel, its ~~license number and manufacturer's vessel identification numbers~~ certificate of number and hull identification number, the location from where such vessel was initially removed, the present location of such vessel, and the fact that such vessel is deemed abandoned and shall be disposed of if not redeemed.

(h) Information forwarded to the Georgia Bureau of Investigation as required by this Code section shall be placed by the bureau on the National Crime Information Center Network.

(i) Any person storing a vessel under the provisions of this Code section shall notify the Department of Natural Resources and the Georgia Bureau of Investigation if the vessel is recovered, is claimed by the owner, is determined to be stolen, or is for any reason no longer an abandoned vessel. Such notice shall be provided within seven calendar days of such event.

(j) If vessel information on the abandoned vessel is not in the files of the Department of Natural Resources, the department may require such other information or confirmation as it determines is necessary or appropriate to determine the identity of the vessel.

(k) Any person who does not provide the notice and information required by this Code section shall not be entitled to any storage fees.

(l) Any person who knowingly provides false or misleading information when providing any notice or information as required by this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor."

## SECTION 2.

Said article is further amended by revising Code Section 52-7-72, relating to authority of peace officers to cause removal of unattended vessels and duties relative thereto, as follows:

"52-7-72.

(a) Any peace officer who finds a vessel which has been left unattended in or upon any public waters or other public property for a period of at least five days ~~shall be authorized to cause such vessel to be removed to a garage or other place of safety,~~ if such peace officer reasonably believes that the person who left such vessel unattended does not intend to return and remove such vessel, shall notify the Department of Natural Resources of such finding in accordance with subsection (d) of this Code section and may cause such vessel to be removed to a garage or other place of safety.

(b) Any peace officer who finds a vessel which has been left unattended in or upon any public waters or other public property ~~shall be authorized immediately to cause such vessel to be removed to a garage or other place of safety,~~ when such vessel poses a threat to public health or safety, shall notify the Department of Natural Resources of such finding in accordance with subsection (d) of this Code section and may immediately cause such vessel to be removed to a garage or other place of safety.

(c) Any peace officer who, under the provisions of this Code section, causes any vessel to be removed to a garage or other place of safety shall be liable for gross negligence only.

(d)(1) ~~Any peace officer or the law enforcement agency which causes a vessel to be removed to a garage or other place of safety or which is notified of the removal of a vessel from private waters or private property~~ who finds a vessel under such conditions as described in subsection (a) or (b) of this Code section shall within 72 hours from the time of removal or notice and if the owner is unknown such finding:

(A) Notify the Department of Natural Resources and the Georgia Crime Information Center of the description of the vessel, whether the vessel has been removed or not, and, if removed, the location to which such vessel has been removed; and

(B) If available on the Georgia Crime Information Center Network, determine the name and address of the last known registered owner of such vessel.

If vessel information is not in the files of the Department of Natural Resources, the

department may require such other information or confirmation as it determines is necessary or appropriate to determine the identity of the vessel.

(2) If any such vessel is determined to be a stolen vessel, the local law enforcement officer or agency shall notify the Georgia Crime Information Center and the owner, if known, of the location of such vessel within 72 hours after receiving notice that such vessel is a stolen vessel.

(2)(3) If the vessel is removed and the name and address of the last known registered owner of the vessel is obtained from the Georgia Crime Information Center, the peace officer who causes the vessel to be removed shall, within three calendar days of removal, make available to the person removing such vessel the name and address of the last known registered owner of such vessel. If such information is not available, the peace officer shall, within three calendar days of removal, notify the person removing or storing such vessel of such fact."

### SECTION 3.

Said article is further amended by adding a new Code section to read as follows:

"52-7-72.1.

(a)(1) If any vessel for which the Department of Natural Resources and the Georgia Crime Information Center have received notice pursuant to subsection (d) of Code Section 52-7-72 has not been removed and is determined not to be a stolen vessel, the commissioner may proceed to take action against the owner as provided by this Code section.

(2) If any vessel for which the Department of Natural Resources and the Georgia Crime Information Center have received notice pursuant to subsection (d) of Code Section 52-7-72 has been removed, the provisions of this Code section shall not apply and the provisions of Code Section 52-7-71 shall apply instead.

(b)(1)(A) Upon notice to the Department of Natural Resources as described in subsection (d) of Code Section 52-7-72, then the commissioner may revoke, suspend, deny, or refuse to renew any vessel certificate of number or commercial fishing boat license required by this title or Title 27 which is held by or has been applied for by a person who owns the vessel, until the owner restores and resumes operation of the vessel or removes it from public waters or public property. The person shall be notified of the proposed order for revocation, suspension, denial, or nonrenewal personally or by a letter sent by certified mail or statutory overnight delivery to the name and address indicated on the application for the certificate of number or license, or both. The proposed order for revocation, suspension, denial, or nonrenewal shall become final 30 days after issuance if not appealed as provided in this paragraph.

(B) Any person whose vessel certificate of number or commercial fishing boat license is proposed for revocation, suspension, denial, or nonrenewal under this paragraph shall have the right to enter an appeal in the superior court of the county of his or her residence or in the Superior Court of Fulton County. Such appeal shall name the commissioner as defendant and must be filed within 30 days from the date

the notice of the proposed order was sent. The person filing the appeal shall neither be required to post any bond nor to pay the costs in advance. If the person so desires, the appeal may be heard by the judge at term or in chambers or by a jury at the first term. The hearing on the appeal shall be de novo, but no appeal shall act as a supersedeas of any orders or acts of the department.

(2)(A) Upon notice to the Department of Natural Resources as described in subsection (d) of Code Section 52-7-72 and delivery of a copy of such notice to the state revenue commissioner, then the state revenue commissioner may revoke, suspend, deny, or refuse to renew any motor vehicle registration required by Title 40 which is held by or has been applied for by a person who owns the vessel, until the owner restores and resumes operation of the vessel or removes it from public waters or public property. The person shall be notified of the proposed order for revocation, suspension, denial, or nonrenewal personally or by a letter sent by certified mail or statutory overnight delivery to the name and address indicated on the application for the registration. The proposed order for revocation, suspension, denial, or nonrenewal shall become final 30 days after issuance if not appealed as provided in this paragraph.

(B) Any person whose motor vehicle registration is proposed for revocation, suspension, denial, or nonrenewal under this paragraph shall have the right to enter an appeal in the superior court of the county of his or her residence or in the Superior Court of Fulton County. Such appeal shall name the state revenue commissioner as defendant and must be filed within 30 days from the date the notice of the proposed order was sent. The person filing the appeal shall neither be required to post any bond nor to pay the costs in advance. If the person so desires, the appeal may be heard by the judge at term or in chambers or by a jury at the first term. The hearing on the appeal shall be de novo, but no appeal shall act as a supersedeas of any orders or acts of the department."

#### **SECTION 4.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

#### **SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 29, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:



Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
E Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 54, nays 0.

SB 27, having received the requisite constitutional majority, was passed by substitute.

SB 114. By Senators Shafer of the 48th, Williams of the 19th, Johnson of the 1st, Rogers of the 21st, Pearson of the 51st and others:

A BILL to be entitled an Act to amend Chapter 40 of Title 43 of the O.C.G.A., relating to real estate brokers and salespersons, so as to provide that certain time periods shall have passed after completing the terms and conditions of a sentence for certain criminal convictions before making an application for licensure; to provide for additional criminal offenses for which the Georgia Real Estate Commission may deny a license; to change the term "in-class hour" to "instructional hour"; to change the number of instructional hours for a broker prelicense course of study; to change the required number of continuing education hours; to provide for certain provisions relating to persons on active military duty or serving in the General Assembly; to permit the commission to provide certain educational materials to consumers; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Regulated Industries and Utilities Committee offered the following substitute to SB 114:

A BILL TO BE ENTITLED  
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide that certain time periods shall have passed after completing the terms and conditions of a sentence for certain criminal convictions before making an application for licensure to the Georgia Real Estate Commission; to provide for additional criminal offenses for which the commission may deny a license; to change the term "in-class hour" to "instructional hour"; to change the number of instructional hours for a broker prelicense course of study; to change the required number of continuing education hours for each year of the renewal period established by the commission; to provide for certain provisions relating to persons on active military duty or serving in the General Assembly; to permit the commission to provide certain educational materials to consumers; to provide that brokers are entitled to trust funds only after consummation or termination of the transaction; to permit a licensee to deal directly with another licensee's client under certain circumstances; to provide that certain time periods shall have passed after completing the terms and conditions of a sentence for certain criminal convictions before making an application for appraiser classification or approval to the Georgia Real Estate Appraiser Board; to provide for additional criminal offenses for which the board may deny a classification or approval; to change provisions relating to lapsed appraisal classifications; to permit the board to provide certain educational materials to consumers; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 43 of the Official Code of Georgia Annotated is amended in Chapter 40, relating to real estate brokers and salespersons, by revising Code Section 43-40-8, relating to license requirements, as follows:

"43-40-8.

(a) In order to qualify to become an applicant for a community association manager's license, an ~~applicant must~~ individual shall:

- (1) Have attained the age of 18 years;
- (2) Be a resident of the State of Georgia, unless that person has fully complied with the provisions of Code Section 43-40-9;
- (3) Be a high school graduate or the holder of a certificate of equivalency;
- (3.1) Have satisfied all terms and conditions of any conviction, as the term is defined in subparagraph (A) of paragraph (1) of subsection (b) of Code Section 43-40-15, such individual may have had before making application for licensure; provided that if such individual has been convicted of multiple criminal offenses, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure; and provided that if such individual has been convicted of a single felony or a single crime

of moral turpitude, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the conviction before making application for licensure;

(4) Furnish evidence of completion of at least 25 ~~in-class~~ instructional hours in a community association manager's course ~~or courses~~ of study approved by the commission; and

(5) Stand and pass a real estate examination administered by or approved by the commission covering generally the matters confronting real estate brokers who provide community association management services and community association managers after completing the requirements of paragraph (4) of this subsection.

Failure to meet any of these requirements shall be grounds for denial of license without a hearing.

(b) In order to qualify to become an applicant for a salesperson's license, an ~~applicant must~~ individual shall:

(1) Have attained the age of 18 years;

(2) Be a resident of the State of Georgia, unless that person has fully complied with the provisions of Code Section 43-40-9;

(3) Be a high school graduate or the holder of a certificate of equivalency;

(3.1) Have satisfied all terms and conditions of any conviction, as the term is defined in subparagraph (A) of paragraph (1) of subsection (b) of Code Section 43-40-15, such individual may have had before making application for licensure; provided that if such individual has been convicted of multiple criminal offenses, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure; and provided that if such individual has been convicted of a single felony or a single crime of moral turpitude, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the conviction before making application for licensure;

(4) Furnish evidence of completion of at least 75 ~~in-class~~ instructional hours in a salesperson's course ~~or courses~~ of study approved by the commission; and

(5) Stand and pass a real estate examination administered by or approved by the commission covering generally the matters confronting real estate brokers and salespersons after completing the requirements of paragraph (4) of this subsection.

Failure to meet any of these requirements shall be grounds for denial of license without a hearing.

(c) In order to qualify to become an applicant for a broker or associate broker's license, an ~~applicant must~~ individual shall:

(1) Have attained the age of 21 years;

(2) Be a resident of the State of Georgia, unless that person has fully complied with the provisions of Code Section 43-40-9;

(3) Be a high school graduate or the holder of a certificate of equivalency;

(3.1) Have satisfied all terms and conditions of any conviction, as the term is defined in subparagraph (A) of paragraph (1) of subsection (b) of Code Section 43-40-15,

such individual may have had before making application for licensure; provided that if such individual has been convicted of multiple criminal offenses, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure; and provided that if such individual has been convicted of a single felony or a single crime of moral turpitude, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the conviction before making application for licensure;

(4) ~~Have served actively for three years as a licensee~~ maintained a license in active status for at least three of the five years immediately preceding the filing of an application to become a broker;

(5) ~~Furnish evidence of completion of 60 in-class hours in a broker's course of study of not more than 120 instructional hours to be determined and approved by the commission, provided that if licensed as a community association manager, the applicant must~~ shall ~~furnish evidence of completion of an additional 75 in-class instructional hours in courses or a course of study approved by the commission; and~~

(6) Stand and pass a real estate examination administered by or approved by the commission covering generally the matters confronting real estate brokers after completing the requirements of paragraph (5) of this subsection and after serving at least two years of active licensure.

Failure to meet any of these requirements shall be grounds for denial of license without a hearing.

(d) Upon being issued an original salesperson's license, each salesperson shall be required to furnish the commission, within one year of the issuance of a license, evidence of satisfactory completion of a course of study of at least 25 ~~in-class instructional~~ hours approved by the commission. As a ~~part~~ condition of satisfactory completion of this course, the licensee ~~must~~ shall stand and pass an examination ~~covering that the commission approves and that covers~~ the subject matter contained in the course. ~~The commission, in its discretion, may approve an examination prepared by and administered by the school offering the course or may prepare and administer an examination itself.~~ The license of any salesperson who fails to complete satisfactorily in a timely manner the course provided for in this subsection shall lapse, and the salesperson's wall certificate of licensure and pocket card shall immediately be surrendered to the commission. Any salesperson whose license lapses for failure to complete satisfactorily ~~this an approved 25 instructional hour~~ course may reinstate the license in the following manner:

(1) Any salesperson who has enrolled in ~~the~~ any approved 25 instructional hour course within one year of the issuance of an original license, has paid all required fees for the course, and:

(A) ~~Has~~ has not completed all in-class sessions, required exercises, or examinations; for any reason

(B) ~~Produces a medical doctor's certification of incapacitation which caused the licensee to be unable to complete all in-class sessions and the examination; or~~

~~(C) Has not completed the course or the examination due to cancellation of the course by the approved school~~

may reinstate the license by completing the course within six months of the lapsing of the license; or

(2) Any salesperson who fails to reinstate a lapsed license as provided in paragraph (1) of this subsection ~~must qualify as an original applicant by passing a new examination as required in subsection (b) of this Code section and must~~ shall complete 25 in-class instructional hours of instruction in a course of study approved by the commission and pay such penalty fees as the commission may require through its rules and regulations before making application to reinstate such license.

(e) Except those individuals actively licensed on January 1, 1980, each applicant for renewal of an active license ~~must~~ shall furnish to the commission before renewing a license evidence of satisfactorily completing a continuing education course or courses approved by the commission. The length of the course or courses taken by licensees to meet this requirement of continuing education ~~must~~ shall total at least ~~six~~ twelve instructional hours for each year of the renewal period established by the commission. The commission shall not require the passing of an examination to meet this requirement. Continuing education courses ~~will~~ shall be provided by all educational or duly authorized instructional organizations teaching real estate licensing courses. No licensee whose license has been placed on inactive status shall be allowed to reactivate unless the provisions of this subsection and subsection (g) of Code Section 43-40-12 are met. Individuals serving on active duty in the armed forces of the United States or in the General Assembly may choose not to meet the continuing education requirements of this subsection while on active duty or during their terms of office. Members of the armed forces or the General Assembly who choose to exercise this temporary exemption option and whose term of active duty or of office exceeds two years shall be required to complete the 25 instructional hour course referenced in subsection (d) above within six months of the conclusion of their active duty or term of office.

(f) Instructors in all of the approved courses ~~must~~ shall be approved by the commission and, where the commission deems necessary, receive any special instruction the commission may require.

(g) Failure to complete any of the educational requirements as provided in this Code section shall be grounds for denial of a license or denial of renewal of a license without further hearing. No fees or portion of fees paid shall be refunded if a licensee fails to meet the continuing education provisions of subsections (d) and (e) of this Code section or any other provisions of this chapter.

(h) The commission may prepare and distribute to licensees under this chapter educational material deemed of assistance in the conduct of their business. The commission may prepare and distribute to the public educational material deemed of assistance to consumers engaging in business in real estate transactions with persons licensed under this chapter.

(i) The commission, through its rules and regulations, shall establish standards for the approval of schools and instructors to offer the education courses required by this

chapter. Each approved school ~~must~~ shall comply with Code Sections 43-40-15 through 43-40-32. Each approved school ~~must~~ shall designate an individual approved by the commission to act as its director and such designated individual shall be responsible for assuring that the approved school complies with the requirements of this chapter and rules and regulations promulgated under this chapter. An approved school ~~must~~ shall authorize its director to bind the school to any settlement of a contested case before the commission as defined in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The commission, through its rules and regulations, shall establish standards for the offering of the prelicense education courses required by this chapter by methods of instruction, which it deems to be educationally sound, other than in-class instruction. The commission, through its rules and regulations, may establish standards for the offering of continuing education courses required by this chapter by methods of instruction, which it deems to be educationally sound, other than in-class instruction."

## SECTION 2.

Said title is further amended in Chapter 40 by revising subsections (f) and (g) of Code Section 43-40-12, relating to inactive status of a license, as follows:

"(f) Any licensee whose license lapses for failure to pay a renewal fee may reinstate that license within two years of the date of its lapsing by paying the total amount of all renewal fees and late charges which would have been due during the period when the license was lapsed plus a reinstatement fee. If any licensee who has passed an examination administered by or approved by the commission allows a license to lapse for a period longer than two years and less than ~~ten~~ five years due solely to a failure to pay a renewal fee, the licensee may reinstate that license by paying the total amount of all renewal fees and late charges which would have been due during the period when the license was lapsed plus a reinstatement fee and by successfully completing any educational course or courses which the commission may require. Any licensee whose license has lapsed for longer than ~~ten~~ five years for failure to pay a renewal fee and who seeks to reinstate that license ~~must~~ shall meet the education and examination requirements for that license as set forth in Code Section 43-40-8. Any nonresident licensee whose license lapses for failure to pay a renewal fee may reactivate that license by paying the fee required of an original applicant if such nonresident licensee has maintained an active license in his or her state of residence during the period that his or her license lapsed and has met its continuing education requirements. Any licensee whose license has lapsed for longer than one year and who is not subject to the continuing education requirements of subsection (e) of Code Section 43-40-8 and who reinstates such license under the terms of this subsection shall thereafter be subject to the continuing education requirements of subsection (e) of Code Section 43-40-8.

(g) Any real estate broker who does not wish to be actively engaged in the brokerage business or any licensee who is temporarily not actively engaged on behalf of a broker may continue a license by making a written request within 30 days of ceasing work that the license be placed on inactive status. Any licensee whose license has been placed on an inactive status ~~may~~ shall not engage in the real estate brokerage business except in

connection with property owned by the licensee. To reinstate a license held on inactive status, a licensee other than a broker ~~must~~ shall secure the signature of the broker for whom the licensee wishes to act; and a broker ~~must~~ shall make application to the commission prior to resuming brokerage activity. Any individual licensee who seeks to activate a license which has been on inactive status ~~for a period of two years or longer shall be required to attend a commission approved course of study prior to activating an inactive license. The course of study shall consist of a commission approved education course or courses totaling at least six hours for each year the license was on inactive status. This education requirement for activating a license on inactive status shall not apply to licensees who shall first~~ meet the continuing education requirement of subsection (e) of Code Section 43-40-8 ~~in each renewal period that they are on inactive status nor to licensees who~~ which would have been required had such person been on active status unless such person maintained an active license in another state that has continuing education requirements while such licensee's license was on inactive status in Georgia."

### SECTION 3.

Said title is further amended in Chapter 40 by revising subsection (b) of Code Section 43-40-15, relating to the grant, revocation, or suspension of licenses, as follows:

"(b)(1) As used in this Code section, the term:

(A) 'Conviction' means a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been brought; a sentencing to first offender treatment without an adjudication of guilt pursuant to a charge of a felony or any crime involving moral turpitude; or a plea of nolo contendere to a charge of a felony or any crime involving moral turpitude.

(B) 'Felony' includes any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere.

(1.1) No person who has a conviction for:

(A) Any criminal offense other than a traffic violation; or

(B) Any traffic violation that involved driving under the influence of alcohol or drugs, homicide or feticide by vehicle, fleeing the scene of an accident, attempting to elude a police officer, or impersonating a law enforcement officer

shall be eligible to become an applicant for a license or an approval authorized by this chapter unless such person has successfully completed all terms and conditions of any sentence imposed for such conviction before making application for licensure or approval; provided that if such individual has been convicted of multiple criminal offenses, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval; and provided that if such individual has been convicted of a single felony or a single crime of moral turpitude, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval;

(1.2) A person who has been convicted in a court of competent jurisdiction of this or any other state, district, or territory of the United States or of a foreign country of any criminal offense other than a traffic violation or of any traffic violation that involved driving under the influence of alcohol or drugs, homicide or feticide by vehicle, fleeing the scene of an accident, attempting to elude a police officer, or impersonating a law enforcement officer shall be eligible to become an applicant for a license or an approval authorized by this chapter only if:

(A) Such person has satisfied all terms and conditions of any criminal conviction such person may have had before making application for licensure or approval; provided that if such individual has been convicted of multiple criminal offenses, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval; and provided that if such individual has been convicted of a single felony or a single crime of moral turpitude, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval;

(B) No criminal charges are pending against such person; and

(C) The person presents to the commission satisfactory proof that he or she now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such a manner as to safeguard the interest of the public.

(2) Where an applicant for ~~a community association manager's license or a salesperson's license~~ any license or approval authorized by this chapter has been convicted of forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, or other like offense or offenses or has been convicted of a felony, a sex offense, a probation violation, or a crime involving moral turpitude and has been convicted thereof in a court of competent jurisdiction of this or any other state, district, or territory of the United States, or of a foreign country, such conviction in itself may be a sufficient ground for refusal of a license or approval authorized by this chapter. An applicant for licensure as an associate broker or a broker who has been convicted of any offense enumerated in this ~~subsection~~ paragraph may be licensed by the commission as an associate broker or a broker only if:

(A) At least ten years have passed since the applicant was convicted, sentenced, or released from any incarceration, whichever is later;

(B) No criminal charges are pending against the applicant; and

(C) The applicant presents to the commission satisfactory proof that the applicant now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such a manner as to safeguard the interest of the public."



**SECTION 4.**

Said title is further amended in Chapter 40 by revising subsection (e) of Code Section 43-40-20, relating to when a broker is entitled to commission or fee, as follows:

"(e) A broker shall not be entitled to any part of the earnest money, security deposit, or other ~~money~~ trust funds paid to the broker in connection with any real estate transaction as part or all of the broker's commission or fee until the transaction has been consummated or terminated."

**SECTION 5.**

Said title is further amended in Chapter 40 by revising paragraph (14) of subsection (b) of Code Section 43-40-25, relating to unfair trade practices, as follows:

"(14) Negotiating a sale, exchange, or lease of real estate directly with an owner, a lessor, a purchaser, or a tenant if the licensee knows that such owner or lessor has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or that such purchaser or tenant has a written outstanding exclusive brokerage agreement with another broker, unless the outstanding listing or brokerage agreement provides that the licensee holding such agreement will not provide negotiation services to the client;"

**SECTION 6.**

Said title is further amended in Chapter 39A, relating to real estate appraisers, by revising Code Section 43-39A-8, relating to the establishment of appraiser classifications complying with federal law, continuing education courses required for renewal of classification, and approval of instructors, by adding two new subsections to read as follows:

"(a.1) In order to qualify to become an applicant for an appraiser classification or approval, an individual shall:

- (1) Have attained the age of 18 years;
- (2) Be a resident of the State of Georgia, unless that person has fully complied with the provisions of Code Section 43-39A-9;
- (3) Have attained the level of education that the board may establish through its rules and regulations;
- (4) Have satisfied all terms and conditions of any criminal conviction such individual may have had before making application for classification; provided that if such individual has been convicted of multiple criminal offenses, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for classification or approval; and provided that if such individual has been convicted of a single felony or of a single crime of moral turpitude, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the conviction before making application for classification or approval. As used in this paragraph, the term 'conviction' shall have the same meaning as in subparagraph (A) of paragraph (1) of subsection (b) of Code Section 43-39A-14;

(5) Furnish evidence of completion of the instructional hours in any course of study the board may require through its rules and regulations; and

(6) Stand and pass an examination administered by or approved by the board covering generally the matters confronting real property appraisers after completing the requirements of paragraph (5) of this subsection.

Failure to meet any of these requirements shall be grounds for denial of classification or approval without a hearing."

"(f) The board may prepare and distribute to appraisers under this chapter educational material deemed of assistance in the conduct of their business. The board may prepare and distribute to the public educational material deemed of assistance to consumers engaging in business in real estate appraisals with persons classified under this chapter."

### SECTION 7.

Said title is further amended in Chapter 39A by revising subsection (f) of Code Section 43-39A-11, relating to fees for examination, activation, and renewal and reactivation of lapsed or inactive appraiser classification, as follows:

"(f) Any resident appraiser whose appraiser classification lapses for failure to pay a renewal fee may reactivate that appraiser classification within two years of the date of its lapsing by paying the total amount of all renewal fees and late charges which would have been due during the period when the appraiser classification was lapsed plus a reactivation fee. If any resident appraiser allows an appraiser classification to lapse for a period longer than two years due solely to a failure to pay a renewal fee, the resident appraiser may have that appraiser classification reinstated by paying the total amount of all renewal fees and late charges which would have been due during the period when the appraiser classification was lapsed plus a reactivation fee and by successfully completing any educational course or courses which the board may require. Any resident appraiser whose appraiser classification has lapsed for longer than ~~ten~~ five years and who seeks to have that appraiser classification reinstated shall requalify as an original applicant as set forth in Code Section 43-39A-8. Any nonresident appraiser whose appraiser classification lapses for failure to pay a renewal fee may reactivate that appraiser classification by paying the fee required of an original applicant if such nonresident appraiser has maintained an active classification in his or her state of residence during the period that his or her classification lapsed. The board may refuse to renew an appraiser classification if the appraiser has continued to perform real estate appraisal activities following the lapsing of that appraiser classification."

### SECTION 8.

Said title is further amended in Chapter 39A by revising subsection (b) of Code Section 43-39A-14, relating to required conduct of applicants and refusal of classification, as follows:

"(b)(1) As used in this subsection, the term:

(A) 'Conviction' means a finding or verdict of guilty or a plea of guilty, regardless

of whether an appeal of the conviction has been brought; a sentencing to first offender treatment without an adjudication of guilt pursuant to a charge of a felony or any crime involving moral turpitude; or a plea of nolo contendere to a charge of a felony or any crime involving moral turpitude.

(B) 'Felony' includes any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere.

(1.1) No person who has a conviction for:

(A) Any criminal offense other than a traffic violation; or

(B) Any traffic violation that involved driving under the influence of alcohol or drugs, homicide or feticide by vehicle, fleeing the scene of an accident, attempting to elude a police officer, or impersonating a law enforcement officer

shall be eligible to become an applicant for a classification or approval authorized by this chapter unless such person has successfully completed all terms and conditions of any sentence imposed for such conviction; provided that if such individual has been convicted of multiple criminal offenses, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for classification or approval; and provided that if such individual has been convicted of a single felony or of a single crime of moral turpitude, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for classification or approval;

(1.2) A person who has been convicted in a court of competent jurisdiction of this or any other state, district, or territory of the United States or of a foreign country of any criminal offense other than a traffic violation or of any traffic violation that involved driving under the influence of alcohol or drugs, homicide or feticide by vehicle, fleeing the scene of an accident, attempting to elude a police officer, or impersonating a law enforcement officer, shall be eligible to become an applicant for a classification or approval authorized by this chapter only if:

(A) Such person has satisfied all terms and conditions of any criminal conviction such person may have had before making application for classification or approval; provided that if such individual has been convicted of multiple criminal offenses, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for classification or approval; and provided that if such individual has been convicted of a single felony or of a single crime of moral turpitude, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for classification or approval;

(B) No criminal charges are pending against such person; and

(C) The person presents to the commission satisfactory proof that the person now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact real estate appraisal activity in such a manner as to safeguard the interests of the public.

(2) Where an applicant for ~~an appraiser~~ any classification or approval authorized by this chapter has been convicted in a court of competent jurisdiction of this or any other state, district, or territory of the United States; or of a foreign country of the offense of forgery, embezzlement, obtaining money under false pretenses, theft, extortion, or conspiracy to defraud or other like offense or offenses or has been convicted of a felony, a sex offense, a probation violation, or a crime involving moral turpitude, such conviction in itself may be a sufficient ground for refusal of ~~an appraiser~~ a classification or approval. An applicant for any ~~appraiser~~ classification or approval authorized by this chapter who has been convicted of any offense enumerated in this paragraph may be issued ~~an appraiser~~ a classification or approval by the board only if:

- (A) ~~At least five years~~ The time periods identified in paragraph (1.1) of this subsection have passed since the applicant was convicted, sentenced, or released from any incarceration, whichever is later;
- (B) No criminal charges are pending against the applicant; and
- (C) The applicant presents to the board satisfactory proof that the applicant now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact real estate appraisal activity in such a manner as to safeguard the interests of the public."

#### **SECTION 9.**

All laws and parts of laws in conflict with this Act are repealed.

Senators Rogers of the 21st, Shafer of the 48th, Douglas of the 17th and Harp of the 29th offered the following amendment:

*Amend the committee substitute to SB 114 by inserting after the first semicolon on line 13 of page 1 the following:*

to amend Code Section 43-1-9 of the Official Code of Georgia Annotated, relating to point credit for veterans taking examinations given by professional licensing boards, so as to change certain provisions relating to points given to disabled veterans;

*By inserting between lines 19 and 20 of page 9 the following:*

#### **SECTION 5A.**

Code Section 43-1-9 of the Official Code of Georgia Annotated, relating to point credit for veterans taking examinations given by professional licensing boards, is amended by revising paragraphs (2) and (3) as follows:

"(2) Any applicant who is a disabled veteran and who served on active duty in the armed forces of the United States or on active duty in a reserve component of the armed forces of the United States, including the National Guard, during wartime or during any conflict when military personnel were committed by the President of the United States ~~and who was discharged for injury or illness incurred in line of duty~~

shall be entitled to a credit of five points if the disability was for an injury or illness incurred in the line of duty and such disability is officially rated at less than 10 percent at the time of taking the examination. Such points shall be added by the person grading the examination to the grade made by the applicant in answering the questions propounded in any such examination; and

(3) Any applicant who is a disabled veteran who served on active duty in the armed forces of the United States or on active duty in a reserve component of the armed forces of the United States, including the National Guard, during wartime or during any conflict when military personnel were committed by the President of the United States ~~and who was discharged for injury or illness incurred in line of duty~~ shall be entitled to a credit of ten points if the disability was for an injury or illness incurred in the line of duty and such disability is officially rated at 10 percent or above at the time of taking the examination. Such points shall be added by the person grading the examination to the grade made by the applicant in answering questions propounded in any such examination."

On the adoption of the amendment, the yeas were 38, nays 0, and the Rogers et al. amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 33, nays 0, and the committee substitute was adopted as amended.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Balfour	Y Henson	Y Seay
Brown	Y Hill, Jack	Y Shafer, D
Y Bulloch	Y Hill, Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowser	Y Me V Bremen	Y Thomas, D
Y Davenport	Y Moody	N Thomas, R
Y Douglas	Y Mullis	Y Thompson, C
Y Fort	Y Murphy	Y Thompson, S
Y Goggans	Y Orrock	Y Tolleson
E Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber

Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 51, nays 1.

SB 114, having received the requisite constitutional majority, was passed by substitute.

Senator Meyer von Bremen of the 12th recognized members of the production team for the movie "Facing the Giants" Senior Pastor Michael Catt addressed the Senate briefly.

The Calendar was resumed.

SB 120. By Senators Whitehead, Sr. of the 24th, Grant of the 25th, Murphy of the 27th and Thomas of the 54th:

A BILL to be entitled an Act to amend Code Section 50-16-38 of the Official Code of Georgia Annotated, relating to state agencies acquiring real property through the State Properties Commission, so as to remove certain exceptions to the requirement that acquisitions of real property generally must be conducted through the commission; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Stoner
Y Chance	Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson

E Golden	Y Pearson	Y Unterman
Y Grant	Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 51, nays 0.

SB 120, having received the requisite constitutional majority, was passed.

SR 243. By Senators Harp of the 29th, Hooks of the 14th, Seabaugh of the 28th, Meyer von Bremen of the 12th, Bulloch of the 11th and others:

A RESOLUTION to urge the United States Army Corps of Engineers and the United States Congress to begin a study of the costs and effects of adding to the storage capacities of all Corps reservoirs in the State of Georgia; and for other purposes.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowser	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Thompson,C
Y Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
E Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber

Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the adoption of the resolution, the yeas were 51, nays 0.

SR 243, having received the requisite constitutional majority, was adopted.

HB 245. By Representative Barnard of the 166th:

A BILL to be entitled an Act to amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions relative to law enforcement officers and agencies, so as to repeal certain provisions relating to a passenger motor vehicle for the warden of Georgia State Prison to be furnished by the Department of Public Safety; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Whitehead, Sr. of the 24th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Brown	Y Hill,Jack	Y Shafer,D
Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
E Golden	Y Pearson	Y Unterman
Y Grant	Powell	Y Weber



Y Hamrick  
Y Harbison  
Y Harp  
Y Hawkins

Y Ramsey  
Y Reed  
Y Rogers  
Y Schaefer

Y Whitehead  
Y Wiles  
Y Williams

On the passage of the bill, the yeas were 52, nays 0.

HB 245, having received the requisite constitutional majority, was passed.

Senator Williams of the 19th moved that the Senate stand in recess until 5:00 p.m. and then stand adjourned pursuant to HR 183 until 10:00 a.m. Tuesday, February 27, 2007; the motion prevailed, and at 12:05 p.m. the President announced the Senate adjourned.